IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16031 of 2004

Between:

1 Badugu Peda Masthanaiah, S/o Subbaiah,
R/o Bramhanapalli, H/o Biradovolu, Podalakur Mandal,
Nellore District.
2 Emmineni Narasimhulu, S/o Masthanaiah,
R/o Biradavolu Village, Podalakur Mandal, Nellore District.
3 Badugu Ramanaiah, S/o Juvaiah,
R/o Biradavolu Village, Podalakuru Mandal, Nellore District.
4 Badugu Srinivasulu, S/o Chengaiah,
R/o Biradavolu Village, Podalakuru Mandal, Nellore District.
5 Ravula Ramaiah, S/o Ramanaiah,
R/o Bramhanapalli, H/o Biradavolu Village,
Podalakuru Mandal, Nellore District.
6 Chidadhala Pedda Masthanaiah, S/o Ankaiah,
R/o Biradavolu Village, Podalakuru Mandal, Nellore District.
7 Badugu Ramanaiah, S/o Subbaiah,
R/o Bramhanapalli, H/o Biradavolu Village, Podalakuru Mandal, Nellore

District.
8 Kethuboina Venkataramanaiah, S/o Venkaiah,
R/o Biradavolu Village, Podalakuru Mandal, Nellore District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, represented by its Secretary, Agricultural Co-operative (Co-op.VI) Department, Secretariat Buildings, Hyderabad.

2 The Chief General Manager, National Bank for Agricultural & Rural

Development (NABARD) Regional Office, Musheerabad, Hyderabad.

3 The Managing Director, A.P.COB., A.P., Hyderabad at Abids, Hyderabad.

4 The District Co-operative Central Bank Ltd., represented, by its General Manager, Nellore, Nellore District.

5 The Primary Agricultural Co-operative Society, represented by its Secretary, Podalakuru Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents 4 and 5 in demanding the payment of entire loan amount including the rebate amount and penal interest as illegal and arbitrary and consequently to direct the respondents to collect the remaining 75% of amount payable under one time settlement scheme by extending the time for payment of the remaining 75% of the amount payable under one time settlement scheme in view of prevailing drought conditions.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for Respondent No.1: GP for cooperation

Counsel for Respondent No.2: Mr. K. Srinivasa Murthy.

Counsel for Respondent No.3: Mr. D.S.N.V.Prasad Babu.

Counsel for Respondents 4 and 5: Mr. K. Muralidhar Reddy.

The Court made the following at the admission stage:

O R D E R:

Heard the learned counsel for both the parties and perusal the material on record.

The petitioners seek a writ of Mandamus declaring the alleged action of the respondents 4 and 5 in demanding payment of the entire loan amount together with the penal interest as arbitrary and illegal. In the

affidavit filed in support of the writ petition, it is stated that the petitioners have availed long term loans in 1993 from the fifth respondent-Society, but due to the drought conditions prevailing in the District they could not make the repayments in time. While so, in the year 2002, the fifth respondent-Society has published 'One Time Settlement Scheme' and the petitioners opted for the same. The fifth respondent-Society finalised the amounts payable under the said Scheme and directed the petitioners to pay 25% of the amount on or before 30-06-2002. Accordingly, the petitioners paid the said 25% amount on 27-06-2002 and 28-06-2002. However, they could not pay the balance 75% amount within the time granted and sought for extension of time for payment of the entire outstanding amount together with interest. But, the respondents 4 and 5 are not accepting the same on the ground that the extended time under the scheme has already expired and demanding the payment of entire amount due under their respective loan accounts. Hence, the present writ petition.

When the mater is taken up for consideration, it is brought to my notice that under similar circumstances, this Court disposed of W.P.No.6551 of 2004 granting six weeks time to the petitioners therein, who are also similarly situated, for making the payment of 75% amount. The said writ petition was filed by one of the loanees of the fourth respondent Bank with a similar prayer and this Court having taken into consideration the drought situation prevailed in the District, while observing that in view of the peculiar facts and the drought situation that had prevailed in most parts of the State, especially in Nellore district, and the petitioner being an agriculturist and further even on the settlement amount the respondents are collecting the interest at the rate of 12% per annum, no loss would be caused to the respondents, disposed of the writ petition granting six months time to the petitioner therein to deposit the balance.

Since the petitioners herein are also similarly situated, following the order passed in W.P.No.6551 of 2004, I deem it appropriate to dispose of the writ petition with a direction to the petitioners to deposit

the balance amount within a period of six weeks from today together with accrued interest thereon as specified under One Time Settlement Scheme. It is made clear that in case the petitioners fail to make the payment within six weeks from today, it is open to the respondents to recover the said amount following the due process of law.

The writ petition is accordingly disposed of. No order as to costs.

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G.ROHINI, J

Date:08-11-2004

Note:

Office to issue C.C. in two days.

B/o

ghn

To

1 The Secretary, The Government of Andhra Pradesh, Agricultural Co-operative (Co-op.VI) Department, Secretariat Buildings, Hyderabad.

2 The Chief General Manager, National Bank for Agricultural & Rural Development (NABARD) Regional Office, Musheerabad, Hyderabad.

3 The Managing Director, A.P.COB., A.P., Hyderabad at Abids, Hyderabad.

4 The General Manager, The District Co-operative Central Bank Ltd., Nellore, Nellore District.

5 The Secretary, The Primary Agricultural Co-operative Society, Podalakuru Nellore District.

6 Two CCs to the Government Pleader for Cooperation, High Court of A.P., Hyderabad. (O.U.T.)

7 Two CD copies.